



February 16, 2007

SENATE BILL No. 248

DIGEST OF SB 248 (Updated February 14, 2007 2:11 pm - DI 106)

Citations Affected: IC 35-38; IC 35-50; noncode.

Synopsis: Sexual predators and parole. Requires a sexually violent predator whose sentence does not include a commitment to the department of correction to be placed on lifetime parole.

Effective: July 1, 2007.

**Mrvan, Walker, Steele,
Young R Michael**

January 8, 2007, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.
February 15, 2007, reported favorably — Do Pass.

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SB 248—LS 6901/DI 106+



February 16, 2007

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

SENATE BILL No. 248

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-38-1-28 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2007]: **Sec. 28. (a) This section applies only to a sexually violent**
4 **predator, including a person who is a sexually violent predator by**
5 **operation of law for committing an offense under**
6 **IC 35-38-1-7.5(b).**

7 (b) If a court imposes a sentence on a person described in
8 subsection (a) that does not involve a commitment to the
9 department of correction, the court shall order the parole board to
10 place the person on lifetime parole and supervise the person in the
11 same manner that the parole board supervises a sexually violent
12 predator who has been released from imprisonment and placed on
13 lifetime parole under IC 35-50-6-1(e).

14 (c) If a person described in subsection (b) is also required to be
15 supervised by a court, a probation department, a community
16 corrections program, a community transition program, or another
17 similar program upon the person's release from imprisonment, the

SB 248—LS 6901/DI 106+



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parole board may:

(1) supervise the person while the person is being supervised by the other supervising agency; or

(2) permit the other supervising agency to exercise all or part of the parole board's supervisory responsibility during the period in which the other supervising agency is required to supervise the person;

in accordance with IC 35-50-6-1(g).

SECTION 2. IC 35-50-6-1, AS AMENDED BY P.L.139-2006, SECTION 6, AS AMENDED BY P.L.140-2006, SECTION 38, AND AS AMENDED BY P.L.173-2006, SECTION 38, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) Except as provided in subsection (d) or (e), when a person imprisoned for a felony completes the person's fixed term of imprisonment, less the credit time the person has earned with respect to that term, the person shall be:

(1) released on parole for not more than twenty-four (24) months, as determined by the parole board;

(2) discharged upon a finding by the committing court that the person was assigned to a community transition program and may be discharged without the requirement of parole; or

(3) released to the committing court if the sentence included a period of probation.

(b) This subsection does not apply to a person described in subsection (d), (e), or (f). A person released on parole remains on parole from the date of release until the person's fixed term expires, unless the person's parole is revoked or the person is discharged from that term by the parole board. In any event, if the person's parole is not revoked, the parole board shall discharge the person after the period set under subsection (a) or the expiration of the person's fixed term, whichever is shorter.

(c) A person whose parole is revoked shall be imprisoned for all or part of the remainder of the person's fixed term. However, the person shall again be released on parole when the person completes that remainder, less the credit time the person has earned since the revocation. The parole board may reinstate the person on parole at any time after the revocation.

(d) This subsection does not apply to a person who is a sexually violent predator under IC 35-38-1-7.5. When a sex offender (as defined in ~~IC 5-2-12-4~~) IC 11-8-8-5) completes the sex offender's fixed term of imprisonment, less credit time earned with respect to that term, the sex offender shall be placed on parole for not more than ten (10) years.

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(e) This subsection applies to a person who is a sexually violent predator under IC 35-38-1-7.5. When a sexually violent predator completes the person's fixed term of imprisonment, less credit time earned with respect to that term, the person shall be placed on parole for the remainder of the person's life.

(f) This subsection applies to a parolee in another jurisdiction who is a sexually violent predator under IC 35-38-1-7.5 and whose parole supervision is transferred to Indiana from another jurisdiction. In accordance with IC 11-13-4-1(2) (Interstate Compact for Out-of-State Probationers and Parolees) and rules adopted under Article VII (d)(8) of the Interstate Compact for Adult Offender Supervision (IC 11-13-4.5), a parolee who is a sexually violent predator and whose parole supervision is transferred to Indiana is subject to the same conditions of parole as a sexually violent predator convicted in Indiana, including:

- (1) lifetime parole (as described in subsection (e)); and
- (2) the requirement that the person wear a monitoring device (as described in IC 35-38-2.5-3) that can transmit information twenty-four (24) hours each day regarding a person's precise location, if applicable.

(g) If a person being supervised on lifetime parole as described in subsection (e) is also required to be supervised by a court, a probation department, a community corrections program, a community transition program, or another similar program upon the person's release from imprisonment, the parole board may:

- (1) supervise the person while the person is being supervised by the other supervising agency; or
- (2) permit the other supervising agency to exercise all or part of the parole board's supervisory responsibility during the period in which the other supervising agency is required to supervise the person, if supervision by the other supervising agency will be, in the opinion of the parole board:

(A) at least as stringent; and

(B) at least as effective;

as supervision by the parole board.

(h) The parole board is not required to supervise a person on lifetime parole during any period in which the person is imprisoned. However, upon the person's release from imprisonment, the parole board shall recommence its supervision of a person on lifetime parole.

(i) If a court orders the parole board to place a sexually violent predator whose sentence does not include a commitment to the department of correction on lifetime parole under IC 35-38-1-28,

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1 the parole board shall place the sexually violent predator on
2 lifetime parole and supervise the person in the same manner that
3 the parole board supervises a sexually violent predator on lifetime
4 parole whose sentence includes a commitment to the department
5 of correction.

6 SECTION 3. [EFFECTIVE JULY 1, 2007] IC 35-38-1-28, as
7 added by this act, and IC 35-50-6-1(i), as amended by this act,
8 apply only to crimes committed after June 30, 2007.

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SENATE MOTION

Madam President: I move that Senator Walker be added as coauthor of Senate Bill 248.

MRVAN

SENATE MOTION

Madam President: I move that Senators Steele and Young R Michael be added as coauthors of Senate Bill 248.

MRVAN

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill No. 248, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 248 as introduced.)

STEELE, Chairperson

Committee Vote: Yeas 8, Nays 1.

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